

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RILEY GAINES, *et al.*)
)
 Plaintiffs,)
)
 v.) Case No. 1:24-cv-01109-MHC
)
 NATIONAL COLLEGIATE)
 ATHLETIC ASSOCIATION, *et al.*)
)
 Defendants.)

DECLARATION OF RILEY GAINES

I, Riley Gaines, declare as follows:

1. I am a resident of the United States, an adult over the age of eighteen, and am competent to testify and have personal knowledge of the facts stated in this declaration.
2. I am executing this declaration to document the hostile treatment and backlash I have faced as a result of openly opposing policies that allow transgendered male-to-female athletes to participate in female sports.
3. Furthermore, I am making this declaration not only to document my own experiences but also to emphasize the critical importance of anonymity for other female co-plaintiffs involved in this lawsuit who wish to proceed with this lawsuit under a pseudonym.

4. From 2018 through 2022, I competed on the women's swimming team for the University of Kentucky ("UK"), a NCAA Division I member institution.

5. In March 2022, I competed for UK at the NCAA Division I Women's Championship ("2022 Women's Championship"), hosted by the Georgia Institute of Technology ("Georgia Tech"). As detailed in the Complaint filed in this lawsuit, Lia Thomas also competed in the 2022 Women's Championship.

6. I do not hold any personal animus towards transgendered persons, but I do hold the belief that transgendered male-to-female athletes should not participate in women's sports on the grounds of inherent unfairness due to the physical advantages possessed by male-bodied individuals—particularly those who have experienced puberty as a male.

7. On many occasions after the 2022 Women's Championship, I have publicly expressed these views, as well as my disagreement with the NCAA's decision to allow a male athlete to participate in that event.

8. Since expressing these opinions, I have been subjected to various forms of hostility, harassment, and discrimination from students and members of the general public.

9. Most notably, I spoke about this issue on the campus of San Francisco State University on April 6, 2023, at the invitation of an on-campus student group.

My presentation was intended for anyone in the student body interested in hearing my lived experience and my perspective on this topic.

10. My presentation began around 7:00 p.m. on April 6, 2023, and lasted about 40 minutes, followed by a brief question-and-answer session. Attached as **Exhibits 1 and 2** are videos I took on my cell phone approximately 5 to 15 minutes before my presentation started. These videos are a true and accurate depiction of the room and the general atmosphere and attitude of the room at that time. As depicted in the video, the audience was generally calm and simply waiting for my presentation to begin.

11. During my presentation and throughout the Q&A that followed, I could hear chants being screamed from outside the building. I could also hear much closer chants coming from the hallway outside the room. I heard things such as “trans women are women” and “trans rights are under attack, what do we do? We fight back!” When I finished the Q&A, the audience began to get up to leave.

12. However, as soon as the door to the room was opened from the inside, a surge of protestors rushed into the room. Within moments, numerous shouting and screaming individuals entered the room and immediately made their way towards me at the front of the room. Profanities and angry shouts were coming from every direction. Attached as **Exhibit 3** is a video I began recording on my cell phone around 8:30 p.m. as I started to leave the classroom where I had

completed my presentation. This video is a true and accurate depiction of the events I describe in the next several paragraphs.

13. As depicted in the first several seconds of the video, the protesters surged toward me at the front of the classroom blocking my exit and surrounding me with yelling individuals. The lights in the classroom flickered and then were shut off, as shown in the video around the 0:00:07 mark. The room was dark except for the lights from numerous cell phone cameras and cameras from the reporters. (See Exhibit 3 at around the 0:00:13 to -15 mark.)

14. A woman who later identified herself as a campus police officer grabbed me and led me toward the doorway. However, we could not exit the classroom from the door as many protesters were still pushing to get in, so the officer led me through a door that connected us to another classroom where we were able to exit into the hallway, as shown at approximately the 0:00:23 mark of the video.

15. Once in the hallway, I was quickly met with a larger crowd coming from both ends of the hallway resulting in no way to safely leave the building, which is depicted beginning around the 0:00:35 mark of the video. The crowds began to converge on us, shouting, waving their arms and fists, chanting, and acting in an intimidating and hostile fashion. As can be seen starting at approximately the 0:00:29 mark of the video, one individual followed me very

closely down the hallway screaming, “Trans rights are human rights!” and at one point shouted, “Yeah, you fuckin’ transphobic bitch! I fuckin’ see you!” and then mocked the fearfulness I was demonstrating, shouting, “You crying?! You fuckin’ crying?!”

16. As a result of the convergence of the protestors from both directions, we were forced into a side hallway (shown at about the 0:00:42 mark of the video) and took cover in a small office, the door of which can be seen clearly at about the 0:00:45 mark of the video, where I would ultimately be trapped for more than three hours. During this time, the protesters chanted, screamed, and yelled vulgar, violent things at both me and the officers. Around 10:30 pm I realized I was going to miss my flight home (which I did), and I began to cry.

17. Between 8:30 pm and 11:30 pm, while trapped in the small office waiting for the crowd to disperse, I recorded several video clips on my cell phone. These videos are attached as Exhibits 4a, 4b, 4c, 4d, and 4e, which are all true and accurate recordings of things that I could hear in the hallway outside the small office. These included:

- a. “If she didn’t want the smoke, she shouldn’t have came here!” (Ex. 4a);
- b. “No justice, no peace!” chants (Ex. 4a);
- c. “You did this to yourself, bitch! You come on this campus and think we’re not going to start a riot?!” (Ex. 4b);

- d. “We were predicting that to happen. Tell her to come outside and say what she needs to say. Say it with her chest then. Don’t be scared, holed up in a room with a whole bunch of fucking transphobes!” (Ex. 4c);
- e. “Tell her to talk her shit right here, and then we’ll let that bitch leave. Tell her, say ‘I’m a fucking transphobe’ right here, right fucking here!” (Ex. 4d);
- f. “If she’s not a transphobe, why can’t she walk the fuck out of here with her fucking head held high?! And answer, and answer!” (Ex. 4d);
- g. “You asshole bitch!” and “loser” (Ex. 4e)

18. At numerous points I heard the protestors say they would not let me leave unless they were paid. Exhibit 5 is a video that depicts the scene just outside the small office where I was holed up and accurately records what I could hear from inside the small office. As recorded in the video, I could hear the protestors outside the door asking for money from me if I wanted to make it home safely. They said, “Tell her to pay us, tell her to pay us and then she can go, ten bucks each!” and, “Because she probably got paid for this shit, so we could get paid for it too!” It sounded like they were trying to negotiate with a university representative who was apparently trying to de-escalate the crowd without much success other than preventing them from breaking down the door.

19. A few hours later, officers from the City of San Francisco Police Department finally arrived. Around 11:30 pm, the city police gave three warnings to the protestors ordering them to disperse. Shortly after, the officers formed a

protective diamond around me and got me out of the building as the crowd continued to scream at me. As I was leaving, I recorded a video on my cell phone attached as **Exhibit 6**, which is a true and accurate representation of my surroundings as the officers escorted me out of the building and to my car. As shown in the video, the leaders of the local chapter of the student organization who had invited me had a car waiting for me outside.

20. As depicted starting around the 0:00:47 mark of the video, I had to run to the car because we were met with more protestors outside who were also running at the car. We were able to drive away from SFSU but with no police escort or police following us to make sure we got where we needed to go safely. I was still in desperate fear for my safety the entire time I was in San Francisco until I was eventually able to board a plane for the return flight home.

21. Not an hour has gone by since then that I have not thought about these events, had flashbacks, and experienced emotional trauma at realizing how close to being seriously injured or even killed that I may have come. I have had nights where I can't fall asleep and continue to be unsettled about this whole matter knowing what these protestors wanted to do to me.

22. These terrifying acts have extended beyond this one event. Since then, I have endured the distress of being spat on, receiving death threats, and having my personal information publicly shared without my consent. I have also had drones

flying above my residence, invasive strangers showing up uninvited at my home, and even individuals tracking me to hotel rooms while traveling.

23. I have had to hire my own private security costing approximately \$160,000 this year.

24. I am submitting this declaration not only to record my personal experiences but also to underscore the critical importance of maintaining anonymity for the other female co-plaintiffs engaged in this legal action who wish to proceed under a pseudonym.

25. I understand and deeply respect the necessity for these plaintiffs to remain anonymous in light of the hostility and threats faced by individuals like myself who have publicly opposed the participation of transgender athletes in female sports.

26. It is imperative that the court recognizes the genuine fear and legitimate concerns that necessitate anonymity for these plaintiffs. Revealing their identities could expose them to harassment, intimidation, and potential harm similar to what I have experienced, jeopardizing their safety and well-being.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on 28/05/24.


Riley Gaines (May 28, 2024 07:12 CDT)

Riley Gaines

EXHIBIT 1

VIDEO

EXHIBIT 2

VIDEO

EXHIBIT 3

VIDEO

EXHIBIT 4a

VIDEO

EXHIBIT 4b

VIDEO

EXHIBIT 4c

VIDEO

EXHIBIT 4d

VIDEO

EXHIBIT 4e

VIDEO

EXHIBIT 5

VIDEO

EXHIBIT 6

VIDEO